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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,332	04/20/2004	Charles Henry Lederer IV	4822-0102P	2928
2292	7590	11/07/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,332

Applicant(s)

LEDERER, CHARLES HENRY

Examiner

DARYL C. POPE

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10, 13-17 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) 20-28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 13-17 and 29 is/are allowed.
- 6) ☒ Claim(s) 2-6, 8-10 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

ART REJECTION:

Claim Rejections - 35 USC § 103

2. Claims 2-3,5-6, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welch et al(Welch) in view Matheny(6,778,081).

-- Claim 2 recites subject matter that is met by Welch for the reasons of record as discussed in the previous office action, except for:

1) the plurality of speakers being volume controlled to be independently adjusted to have a substantially constant volume level throughout a specified work area of the building.

As stated in the previous Office action, use of alarm systems which utilize speakers that are independently controlled the above stated claimed manner is well known in the art. In related art, Matheny discloses a zoned alerting control system, wherein a plurality of speakers are volume controlled to be independently adjusted to cause an audible alarm to have a substantially constant volume level throughout a specified work areas of a building as desired(see: column 3, lines 31-37).

Since Welch already desires to provide annunciators in the most beneficial and efficient means possible, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the zoned alerting control system of Matheny which controls the speakers in the system as stated above, since this would

Art Unit: 2612

have ensured that speakers and volume of the speakers of Welch would have been independently controlled in a manner such that personnel in the system of Welch would have been alert in a manner that would have been efficient, and as well would have only alerted those personnel as necessary for each particular event as desired

-- Claims 3, and 5-6 recite subject matter that is met as discussed in the previous Office Action.

-- Claim 30 recites subject matter that is met as discussed in claim 2 above, since the volume of speakers are independently controlled based on which particular zone is to receive the audible alarm signal, and therefore it would have been obvious that the volume of a zone which would have received an alarm signal would have been set louder than that of another speaker in another zone that would not have received an alarm signal.

3. Claims 4, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welch et al(Welch) in view of Matheny as applied to claim 2 above, and further in view of Smith et al(6,784,797).

-- Claim 4 recites subject matter that is met as discussed in claim 2 above, except for:

1) the audible alarm being provided with several different volumes, chimes and sounds.

Use of audible alarms which provide these volumes, chimes, and sounds is well known in the art. In related art, Smith et al(Smith) discloses a patient monitoring an annunciation system which utilizes a PLD that provides several different volumes, chimes and sounds as desired for an audible alarm(see: column 23, lines 7-15). Since

Art Unit: 2612

use of this devices is well known, as seen by Smith, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the PLD of Smith into the system of Welch in view of Matheny, since this would have helped ensure perception of the audible alarm by allowing the most noticeable alarm sounds, chimes and volumes as desired.

-- With regards to claims 8-10, upon incorporation of the PLD of Smith into the system of Welch in view of Matheny as discussed in claim 4 above, it would have been obvious this would have allowed issuing audible alarms at an initial pitch or tone and changing over time as the alarm continues, to more likely gain the attention of or annoy a person hearing the pitch or tone, and as well issuing the alarm at a first volume and increasing the volume over time, since Smith clearly teaches that any sound can be achieved by use of the PLD, and therefore one of ordinary skill would have recognized the most effective sounds to implement into the alarms issued by the PLD.

Allowable Subject Matter

4. Claims 7,13-17, and 29 are allowed.

REMARKS:

Response to Arguments

5. Applicant's arguments with respect to claims 2-6,8-10, and 30 have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's arguments, filed 9/15/2006, with respect to claims 7,13-17, and 29 have been fully considered and are persuasive. The rejection of 7,13-17, and 29 has been withdrawn.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2612

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope

October 30, 2006

DARYL C POPE
Primary Examiner
Art Unit 2612

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title.